



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: A&K Earth Movers, Inc.
File: B-226631
Date: April 28, 1987

DIGEST

To be considered an interested party to protest government solicitations, a party must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or the failure to award a contract. Potential subcontractor which is not an actual or prospective bidder itself is not an interested party.

DECISION

A&K Earth Movers, Inc. (A&K) protests alleged unfair and unethical bidding practices under solicitation No. N62474-84-C-4671 issued by the Naval Facilities Engineering Command.

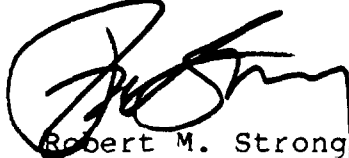
We dismiss the protest.

As indicated by A&K's protest and confirmed by the Navy A&K did not bid on the solicitation, but rather is a potential subcontractor to firms bidding on the prime contract.

Our Office generally will only review protests that involve a direct federal procurement and are filed by a party that meets the definition of an interested party. See Industrial Combustion, B-222043, Feb. 26, 1986, 86-1 C.P.D. ¶ 201; Stacor Corp., B-220390, Nov. 4, 1985, 85-2 C.P.D. ¶ 521. An interested party is defined by the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551(a) (Supp. II 1984), as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract." This statutory definition of an "interested party" is reflected in the language of our Bid Protest Regulations which implement the CICA. 4 C.F.R. § 21.0(a) (1986). Coeur d'Alene Asphalt, Inc., B-223432, July 16, 1986, 86-2 C.P.D. ¶ 76.

A&K is not an interested party and does not qualify as a protester under our Bid Protest Regulations. Further, our Office does not review protests concerning the award of subcontracts except in circumstances not present here. 4 C.F.R. § 21.3(f)(10); Coeur d'Alene Asphalt, Inc., supra.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "R. Strong", is written over the printed name of Robert M. Strong.

Robert M. Strong
Deputy Associate General Counsel